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In re Application of
BLACH VIZOSO, Ricardo et al.
Application No.: 10/048,140
PCT No.: PCT/ES99/00279
Int. Filing Date: 27 August 1999
Priority Date: 22 July 1999
Attorney's Docket No.: A34963-PCT-USA
For: POLYMER MEMBRANE FOR THE
SEPARATION OF GAS MIXTURE

DECISION
ON REQUEST UNDER
37 CFR 1.497(d)

This is a decision on "Renewed Request Under 37 C.F.R. §1.497(d)," filed in the United States Patent and Trademark Office on 24 February 2003.

BACKGROUND

On 27 August 1999, applicant filed international application PCT/ES99/00279, which claimed a priority date of 22 July 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 01 February 2000. On 22 February 2001, applicant filed a demand for international preliminary examination which elected the United States, prior to nineteen months from the priority date. The deadline for entry into the national stage in the United States was midnight on 22 January 2002.

On 22 January 2002, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 April 2002, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 16 August 2002, applicant filed a declaration and a "Petition For Correction of Inventorship Pursuant to 37 CFR §1.497(d)".

On 30 December 2002, the Office mailed Decision On Request, refusing applicant's request.

On 24 February 2003, applicant submitted "Renewed Request Under 37 C.F.R. §1.497(d)".

DISCUSSION

The inventors in the international application are Ricardo Blach Vizoso, Alexander Kotenko, Dimitri Amirkhanov, Mikhail Tulsy and Vladimir Fateev. Applicant filed this request to remove the names of Alexander Kotenko, Dimitri Amirkhanov, Mikhail Tulsy and Vladimir Fateev as inventors.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) were previously met.

Item (3) has now been satisfied.

CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.497(d) is GRANTED.

The application has an international filing date of 27 August 1999 under 35 U.S.C. §363 and a date of 16 August 2002 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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